IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

Bail Appl..No. 6314 of 2007()

[CRIME NO.1007/2007 OF KOLLAM EAST POLICE STATION]

: PETITIONERS/ACCUSED

1. G.R.DEEPESH KUMAR
S/O.GOPINATHA PILLAI,
LEKSHMI NIVAS,NO.127
MANACADU NAGAR, VADAKKEVILA VILLAGE,KOLLAM.

2. GOPINATHA PILLAI,
LEKSHMI NIVAS,NO.127
MANACADU NAGAR, VADAKKEVILA VILLAGE,KOLLAM.

3. REMADEVI,W/O. GOPINATHA PILLAI,
LEKSHMI NIVAS,NO.127
MANACADU NAGAR, VADAKKEVILA VILLAGE,KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICE, KOLLAM EAST POLICE
STATION,KOLLAM DISTRICT THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No. 6314 of 2007

Dated this the 23rd day of October 2007

O R D E R

Application for anticipatory bail. The petitioners are the husband and parents-in-law of the de facto complainant. The marriage between the de facto complainant and the first accused took place on 4/12/2005. The couple are blessed with one child. The F.I.S was recorded by the police from the de facto complainant on 20/9/2007 when she was admitted as an in-patient in the hospital consequent to the alleged assault by the first petitioner.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. He prays that the petitioners may be granted anticipatory bail.

3. The learned Public Prosecutor submits that so far as petitioners 2 and 3, the parents-in-law are concerned, investigation has revealed that they have not committed any offence. They have been deleted from the array of parties. They need not apprehend any arrest, it is submitted. On that

submission by the learned Public Prosecutor, the prayer of petitioners 2 and 3 for anticipatory bail can be dismissed, their apprehension having been shown to be unreasonable now.

4. So far as the first petitioner is concerned, the learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the wife has been subjected to physical assault resulting in injuries to her person. The learned Public Prosecutor has read over to me the nature of injuries which was found on the person of the de facto complainant when she was admitted in the hospital.

5. I am satisfied in these circumstances that the first petitioner does not deserve to be granted anticipatory bail. It is true that this court does take a lenient view when it comes to anticipatory bail under Section 498A I.P.C. Such leniency is shown in the interests of ensuring that the matrimonial tie does not break down irretrievably consequent to arrest and detention of the accused/husband. In a case like the instant one where the victim is seen subjected to heinous assault resulting in injuries to her person like the ones described in the wound certificate, I am satisfied that this court will not be justified in showing

undue leniency while considering the application for anticipatory bail to the first petitioner/husband.

3. In the result, this application for anticipatory bail by the first petitioner is dismissed. So far as petitioners 2 and 3 are concerned, it is recorded that they are not required to be arrested. Needless to say, if the first petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007